



PUBLIC NOTICE

Federal Communications Commission
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Internet: <http://www.fcc.gov>
TTY: 1-888-835-5322

DA 20-1477

Released: December 12, 2020

**COMMENTS INVITED ON SECTION 214 APPLICATION(S) TO DISCONTINUE DOMESTIC
NON-DOMINANT CARRIER TELECOMMUNICATIONS SERVICE(S)
IN RESPONSE TO COPPER RETIREMENT(S)**

WC Docket No(s). 20-411 & 20-412

Comments Due: December 28, 2020

Unless otherwise specified, the following procedures and dates apply to the application(s) (the Section 214 Discontinuance Application(s)) listed in the Appendix.

The Wireline Competition Bureau (Bureau), upon initial review, has found the Section 214 Discontinuance Application(s) listed herein to be acceptable for filing and subject to the procedures set forth in Section 63.71 of the Commission's rules.¹ The application(s) request authority, under section 214 of the Communications Act of 1934, as amended,² and section 63.71 of the Commission's rules,³ to discontinue, reduce, or impair certain domestic telecommunications service(s) (Affected Service(s)) in specified geographic areas (Service Area(s)) as applicable and as fully described in each application.

In accordance with section 63.71(i) of the Commission's rules, the Section 214 Discontinuance Application(s) listed in the Appendix will be deemed granted automatically on the effective date of the copper retirement(s).⁴ Any applicant whose application has been deemed granted may discontinue, reduce or impair their Affected Service(s) in their Service Area(s) on or after the authorized date(s) specified in the Appendix, in accordance with their filed representations. Accordingly, pursuant to section 63.71(i), and the terms outlined in each application, absent further Commission action, each applicant may discontinue, reduce or impair the Affected Service(s) in the Service Area(s) described in their application on or after the authorized discontinuance date(s) listed in the Appendix for that application. For purposes of computation of time when filing a petition for reconsideration, application for review, or petition for judicial review of the Commission's decision(s), the date of "public notice" shall be the latter of the authorized date(s) stated in this Public Notice, or the release date(s) of any further public notice(s) or order(s) announcing final Commission action, as applicable. Should no petitions for reconsideration, applications for review, or petitions for judicial review be timely filed, the proceeding(s) listed in this Public Notice shall be terminated, and the docket(s) will be closed.

¹ 47 CFR § 63.71.

² 47 U.S.C. § 214.

³ 47 CFR § 63.71.

⁴ See 47 CFR § 63.71(i) (stating, in relevant part, that an application to discontinue, reduce, or impair a service filed by a competitive local exchange carrier in response to a copper retirement notice... shall be automatically granted on the effective date of the copper retirement").

Comments objecting to any of the applications listed in the Appendix must be filed with the Commission on or before **December 28, 2020**. Comments should refer to the specific WC Docket No. and Comp. Pol. File No. listed in the Appendix for the particular Section 214 Discontinuance Application that the commenter intends to address. Comments should include specific information about the impact of the proposed discontinuance on the commenter, including any inability to acquire reasonable substitute service. Comments may be filed using the Commission's Electronic Comment Filing System (ECFS) or by filing paper copies.⁵ Comments may be filed electronically using the Internet by accessing the ECFS: <http://apps.fcc.gov/ecfs>. Filers should follow the instructions provided on the Web site for submitting comments. Generally, only one copy of an electronic submission must be filed. In completing the transmittal screen, filers should include their full name, U.S. Postal Service mailing address, and the applicable docket number.

Parties who choose to file by paper must file an original and one copy of each filing. If more than one docket or rulemaking number appears in the caption of this proceeding, filers must submit one additional copy for each additional docket or rulemaking number. Filings can be sent by commercial overnight courier or by first-class or overnight U.S. Postal Service mail. All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission. Commercial overnight mail and U.S. Postal Service first-class, Express Mail and Priority Mail must be sent to 9050 Junction Drive, Annapolis Junction, MD 20701.

Copies of the comments may also be emailed to the Competition Policy Division, Wireline Competition Bureau, Federal Communications Commission, using the contact information listed in the Appendix for the appropriate Section 214 Application. In addition, comments should be served upon the Applicant(s).

These proceedings are considered "permit but disclose" proceedings for purposes of the Commission's *ex parte* rules.⁶ Participants should familiarize themselves with the Commission's *ex parte* rules. Persons making *ex parte* presentations must file a copy of any written presentation or a memorandum summarizing any oral presentation within two business days after the presentation (unless a different deadline applicable to the Sunshine period applies). Persons making oral *ex parte* presentations are reminded that memoranda summarizing the presentation must (1) list all persons attending or otherwise participating in the meeting at which the *ex parte* presentation was made, and (2) summarize all data presented and arguments made during the presentation. If the presentation consisted in whole or in part of the presentation of data or arguments already reflected in the presenter's written comments, memoranda or other filings in the proceeding, the presenter may provide citations to such data or arguments in his or her prior comments, memoranda, or other filings (specifying the relevant page and/or paragraph numbers where such data or arguments can be found) in lieu of summarizing them in the memorandum. Documents shown or given to Commission staff during *ex parte* meetings are deemed to be written *ex parte* presentations and must be filed consistent with rule 1.1206(b).

People with Disabilities: To request materials in accessible formats for people with disabilities (Braille, large print, electronic files, audio format), send an e-mail to fcc504@fcc.gov or call the Consumer & Governmental Affairs Bureau at (202) 418-0530 (voice), (888) 835-5322 (tty).

⁵ See *Electronic Filing of Documents in Rulemaking Proceedings*, 63 FR 24121 (1998).

⁶ 47 CFR § 1.1200 *et seq.*

For further information, please see the contacts for the specific discontinuance proceeding you are interested in as listed in the Appendix. The tty number is (888) 835-5322. For further information on procedures regarding section 214 please visit <https://www.fcc.gov/encyclopedia/domestic-section-214-discontinuance-service>.

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Appendix

- 1) **Applicant(s): Windstream Services II, LLC, Broadview Networks, Inc, Cavalier Telephone Mid-Atlantic, LLC, and Choice One Communications of Pennsylvania, Inc.**

WC Docket No. 20-411, Comp. Pol. File No. 1661

Link – https://www.fcc.gov/ecfs/search/filings?proceedings_name=20-411&sort=date_disseminated,DESC

Affected Service(s) – Private Branch Exchange (PBX) Trunks, Digital Subscriber Line (DSL), Ground Start Trunks, Ethernet over Copper, and POTS via DSL

Service Area(s) – Montclair, NJ; New Rochelle, NY; Jenkintown, Middletown, Philadelphia, Turtle Creek and Wilkinsburg, PA; and Portsmouth, VA

Authorized Date(s) – on or after January 12, 2021

Contact(s) – Kimberly Jackson, (202) 418-7393 (voice), Kimberly.Jackson@fcc.gov, of the Competition Policy Division, Wireline Competition Bureau

Note: The applicant filed a supplemental letter on December 10, 2020 confirming that Verizon, the underlying provider, will continue to provide TDM-based voice service over fiber in the affected service areas.

- 2) **Applicant(s): Windstream Services II, LLC and Conversent Communications of Massachusetts, Inc.**

WC Docket No. 20-412, Comp. Pol. File No. 1662

Link – https://www.fcc.gov/ecfs/search/filings?proceedings_name=20-412&sort=date_disseminated,DESC

Affected Service(s) – DSL

Service Area(s) – Newton, MA

Authorized Date(s) – on or after March 2, 2021

Contact(s) – Kimberly Jackson, (202) 418-7393 (voice), Kimberly.Jackson@fcc.gov, of the Competition Policy Division, Wireline Competition Bureau

Note: The applicant filed a supplemental letter on December 10, 2020 confirming that Verizon, the underlying provider, will continue to provide TDM-based voice service over fiber in the affected service area.